

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 5, after "of" insert "**or in opposition to**".
- 2 Page 4, line 6, delete "A" and insert "**(a) Except as provided in**
- 3 **subsection (b), a**".
- 4 Page 4, after line 11, begin a new paragraph and insert:
- 5 "**(b) The conduct prohibited in subsection (a) does not apply to:**
- 6 **(1) a person less than twenty-one (21) years of age who uses**
- 7 **the identifying information of another person to acquire an**
- 8 **alcoholic beverage (as defined in IC 7.1-1-3-5);**
- 9 **(2) a minor (as defined in IC 35-49-1-4) who uses the**
- 10 **identifying information of another person to acquire:**
- 11 **(A) a cigarette or tobacco product (as defined in**
- 12 **IC 6-7-2-5);**
- 13 **(B) a periodical, a videotape, or other communication**
- 14 **medium that contains or depicts nudity as defined in (IC**

- 1 **35-49-1-5);**
- 2 **(C) admittance to a performance (live or film) that**
- 3 **prohibits the attendance of the minor based on age; or**
- 4 **(D) an item that is prohibited by law for use or**
- 5 **consumption by a minor; and**
- 6 **(3) a law enforcement or corrections officer acting in the**
- 7 **scope of employment who takes identifying information from**
- 8 **a person who is arrested or detained at a penal facility (as**
- 9 **defined in IC 35-41-1-21).**

10 SECTION 3. IC 35-43-5-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. A person who:

- 12 (1) with intent to defraud, obtains property by:
 - 13 (A) using a credit card, knowing that the credit card was
 - 14 unlawfully obtained or retained;
 - 15 (B) using a credit card, knowing that the credit card is forged,
 - 16 revoked, or expired;
 - 17 (C) using, without consent, a credit card that was issued to
 - 18 another person;
 - 19 (D) representing, without the consent of the credit card holder,
 - 20 that the person is the authorized holder of the credit card; or
 - 21 (E) representing that the person is the authorized holder of a
 - 22 credit card when the card has not in fact been issued;
- 23 (2) being authorized by an issuer to furnish property upon
- 24 presentation of a credit card, fails to furnish the property and, with
- 25 intent to defraud the issuer or the credit card holder, represents in
- 26 writing to the issuer that the person has furnished the property;
- 27 (3) being authorized by an issuer to furnish property upon
- 28 presentation of a credit card, furnishes, with intent to defraud the
- 29 issuer or the credit card holder, property upon presentation of a
- 30 credit card, knowing that the credit card was unlawfully obtained
- 31 or retained or that the credit card is forged, revoked, or expired;
- 32 (4) not being the issuer, knowingly or intentionally sells a credit
- 33 card;
- 34 (5) not being the issuer, receives a credit card, knowing that the
- 35 credit card was unlawfully obtained or retained or that the credit
- 36 card is forged, revoked, or expired;
- 37 (6) with intent to defraud, receives a credit card as security for
- 38 debt;

1 (7) receives property, knowing that the property was obtained in
 2 violation of subdivision (1) of this section;
 3 (8) with intent to defraud the person's creditor or purchaser,
 4 conceals, encumbers, or transfers property;
 5 (9) with intent to defraud, damages property;
 6 (10) knowingly and with intent to defraud, makes, utters, presents,
 7 or causes to be presented to an insurer **or an insurance claimant**,
 8 a claim statement that contains false, incomplete, or misleading
 9 information concerning the claim; or
 10 (11) knowingly or intentionally:
 11 (A) sells;
 12 (B) rents;
 13 (C) transports; or
 14 (D) possesses;
 15 a recording for commercial gain or personal financial gain that
 16 does not conspicuously display the true name and address of the
 17 manufacturer of the recording;
 18 commits fraud, a Class D felony.".
 (Reference is to HB 1106 as introduced.)

and when so amended that said bill do pass.

Representative Dvorak